

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 372 because it conflicts with HEA 1288-2005 without properly recognizing the existence of HEA 1288-2005, has had Engrossed Senate Bill 372 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 372 be corrected as follows:

- 1 Page 3, after line 41, begin a new paragraph and insert:
- 2 "SECTION 3. IC 20-26-11-5, AS ADDED BY HEA 1288-2005,
- 3 SECTION 10, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The parents of any student,
- 5 regardless of the student's age, or the student after the student has
- 6 become eighteen (18) years of age may request a transfer from a school
- 7 corporation in which the student has a legal settlement to a transferee
- 8 school corporation in Indiana or another state if the student may be
- 9 better accommodated in the public schools of the transferee
- 10 corporation. Whether the student can be better accommodated depends
- 11 on such matters as:
- 12 (1) crowded conditions of the transferee or transferor corporation;
- 13 and
- 14 (2) curriculum offerings at the high school level that are important
- 15 to the vocational or academic aspirations of the student.
- 16 (b) The request for transfer must be made in writing to the transferor
- 17 corporation, which shall immediately mail a copy to the transferee
- 18 corporation. The request for transfer must be made at the times
- 19 provided under rules adopted by the state board. The transfer is effected
- 20 if both the transferee and the transferor corporations approve the
- 21 transfer not more than thirty (30) days after that mailing. **If the**
- 22 **transferor school corporation fails to act on the transfer request**
- 23 **within thirty (30) days after the request is received, the transfer is**
- 24 **considered approved.** The transfer is denied when either school
- 25 corporation:

(1) mails a written denial by certified mail to the requesting parents or student at their last known address. ~~or~~

~~(2) fails to act on the request not more than thirty (30) days after the mailing.~~

(c) If a request for transfer is denied **under subsection (b)**, an appeal may be taken to the state board by the requesting parents or student, if commenced not more than ten (10) days after the denial. An appeal is commenced by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board. The state superintendent shall develop forms for this purpose, and the transferor corporation shall assist the parents or student in the mechanics of commencing the appeal. An appeal hearing must comply with section 15 of this chapter.

SECTION 4. IC 20-26-11-8, AS ADDED BY HEA 1288-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the division of family and children;

(2) by a court order; or

(3) by a child placing agency licensed by the division of family and children;

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer

1 tuition of the transferred student or appeal the payment by notice to the
 2 department. The acceptance or notice of appeal by the school
 3 corporation must be given by certified mail to the parent or guardian of
 4 the student and any affected school corporation. In the case of a student
 5 who is not identified as disabled under IC 20-35, the state board shall
 6 make a determination on transfer tuition according to the procedures in
 7 section 15 of this chapter. In the case of a student who has been
 8 identified as disabled under IC 20-35, the determination on transfer
 9 tuition shall be made under this subsection and the procedures adopted
 10 by the state board under IC 20-35-2-1(c)(5).

11 (c) A student who is placed in:

12 (1) an institution operated by the division of disability, aging, and
 13 rehabilitative services or the division of mental health and
 14 addiction; or

15 (2) an institution, a public or private facility, a home, a group
 16 home, or an alternative family setting by the division of disability,
 17 aging, and rehabilitative services or the division of mental health
 18 and addiction;

19 may attend school in the school corporation in which the institution is
 20 located. The state shall pay the transfer tuition of the student, unless
 21 another entity is required to pay the transfer tuition as a result of a
 22 placement described in subsection (a) or (b) or another state is obligated
 23 to pay the transfer tuition.

24 (d) A student:

25 (1) who is placed in a facility, home, or institution described
 26 in subsection (a), (b), or (c); and

27 (2) for whom there is no other entity or person required to pay
 28 transfer tuition;

1 **may attend school in the school corporation in which the facility,**
2 **home, or institution is located. The department shall conduct an**
3 **investigation and determine whether any other entity or person is**
4 **required to pay transfer tuition. If the department determines that**
5 **no other entity or person is required to pay transfer tuition, the**
6 **state shall pay the transfer tuition for the student out of the funds**
7 **appropriated for tuition support."**

(Reference is to ESB 372 as printed March 29, 2005.)

Senator GARTON, Chairperson

Senator R. YOUNG, R.M.M.

Senator KENLEY